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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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CRAWFORD MAUNU PLLC
1270 NORTHLAND DRIVE, SUITE 390
ST. PAUL, MN 55120

EXAMINER	
SHINGLES, KRISTIE D	
ART UNIT	**PAPER NUMBER**
2141	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/597,704	VOOIS ET AL.	
	Examiner	Art Unit	
	Kristie Shingles	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 December 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendments
Claim 3 has been amended.

Claims 1 - 22 are pending.

Response to Arguments

I. Applicant's arguments, see Remarks pages 7-10 filed 12/1/2006, with respect to the rejection of claims 1-22 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Therefore, the rejection and finality have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of *Brophy et al* (US 6,782,412).

Claim Rejections - 35 USC § 112, second paragraph

II. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

III. **Claims 1-22** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

> Claim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. However, examples of claim language, although not exhaustive, that may raise a question as to the limiting effect of the language in a claim are:
>
> (A) statements of intended use or field of use;
> (B) "adapted to " or "adapted for " clauses;

(C) "wherein " clauses; and
(D) "whereby " clauses.

The determination of whether each of these clauses is a limitation in a claim depends on the specific facts of the case. In Hoffer v. Microsoft Corp., 405 F.3d 1326, 1329, 74 USPQ2d 1481, 1483 (Fed. Cir. 2005), the court held that when a "whereby' clause states a condition that is material to patentability, it cannot be ignored in order to change the substance of the invention." Id. However, the court noted (quoting Minton v. Nat'l Ass'n of Securities Dealers, Inc., 336 F.3d 1373, 1381, 67 USPQ2d 1614, 1620 (Fed.Cir. 2003)) that a "whereby clause in a method claim is not given weight when it simply expresses the intended result of a process step positively recited.'" Id. (*MPEP, sections 2106 and 2111.04*)

The claims listed above (dependent claims inherit the rejection from the independent claims) all recite "adapted to" clauses, which are non-limiting in scope and therefore should be corrected to in order to clearly specify the metes and bounds of the claimed invention and to define the inventive steps performed by the claimed elements.

IV. **Claims 2-4** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. **Claim 2** recites the limitation "the call announce" in lines 2-3 of the claim language. There is insufficient antecedent basis for this limitation in the claim.

b. **Claim 3** recites the limitation "the call announcer" in line 2 of the claim language. There is insufficient antecedent basis for this limitation in the claim.

c. **Claim 4** recites the limitation "the call announce" in line 2 of the claim language. There is insufficient antecedent basis for this limitation in the claim.

Correction and/or clarification is required.

Claim Rejections - 35 USC § 102

V. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

VI. **Claims 1 - 22 are rejected under 35 U.S.C. 102(a) as being anticipated by *Brophy et al* (US 6,782,412).**

a. **Per claim 1,** *Brophy et al* teach a user-programmable communications arrangement including a computer having a display, the arrangement comprising:

- a user interface (*col.2 lines 35-37, col.12 lines 53-56*); and
- a programmable controller (*col.2 lines 29-32 and 43-59, col.3 lines 21-36, col.4 lines 13-23*), the user interface and the programmable controller being adapted to:
- provide user-selected IP telephony configuration information to a control center communicatively coupled to a plurality of IP telephony devices (*col.2 lines 13-26, col.3 lines 11-36, col.4 lines 13-23—provision for customer preferences and configurations to application and media server*);
- display a control interface for at least one of: user control of an IP telephony device, office telephone administration control of a plurality of telephony devices, and system administrator control of telephony system configuration (*col.2 lines 32-37, col.9 line 64-col.10 line 8, col.12 lines 53-56—provision for a display user-interface for customer-defined control of an IP telephone device*); and
- the IP telephony configuration information being selected to control communications between, and to programmably configure, the control center and the plurality of IP telephony devices (*col.10 lines 49-65, col.15 line 15-col.16 line 36*).

b. **Per claim 15,** *Brophy et al* teach a user-programmable communications arrangement comprising:

- a user-interface device having a display, the device being adapted to provide IP telephony communications configuration information to a user via the display and to communicate IP telephony communications configuration selections from the user to a CPU (*col.7 line 48-col.8 line 4, col.10 lines 55-59, col.11 lines 39-44, col.11 line 62-col.12 line 2, col.12 lines 53-65, col.13 lines 46-49, col.14 lines 8-12, col.16 lines 12-14*); and

- a programmable CPU communicatively coupled to the user interface device and having an OOP interface coupled to an IP telephony communications link, the microprocesor being adapted to receive the IP telephony communications configuration selections from the user-interface device, and in response to the received selections, control selected functions of selected IP telephony devices of an IP telephony communications system via the IP telephony communications link (*col.2 lines 13-26 and 32-42, col.3 lines 11-36, col.4 lines 13-23, col.6 lines 30-35 and 41-48, col.7 lines 48-58, col.9 line 64-col.10 line 8, col.12 lines 53-56—provisions for customer preferences and configurations to application and media server, provisions for an OOP interfcace coupled to the IP telephony link and for customer-defined and preferenced control of selected IP telephone devices*).

c. **Claim 20** contains limitations that are substantially equivalent to claims 1 and 15, and is therefore rejected under the same basis.

d. **Per claim 2,** *Brophy et al* teach the user-programmable communications arrangement of claim 1, wherein the computer is adapted to announce an incoming call via the display, the call announce being effected without overtaking currently running applications (*col.13 line 64-col.14 line 12, col.14 lines 47-59*).

e. **Per claim 3,** *Brophy et al* teach the user-programmable communications arrangement of claim 2, wherein the call announcer is effected using a locally-installed OOP applet that runs in the background of the computer (*col.6 lines 27-40, col.9 line 64-col.10 line 8, col.10 lines 49-65, col.13 line 64-col.14 line 12, col.14 lines 47-59*).

f. **Per claim 4,** *Brophy et al* teach the user-programmable communications arrangement of claim 2, wherein the call announce displays user control options including at least one of: caller ID, speaker phone, answer, forward to voicemail, hold, and call termination (*col.3 lines 17-20 and 55-61, col.8 lines 5-15, col.11 line 36-col.12 line 48, col.13 lines 50-63*).

g. **Per claim 5,** *Brophy et al* teach the user-programmable communications arrangement of claim 1, wherein the user interface includes a graphic user interface (GUI) (*col.7 line 48-col.8 line 4, col.10 lines 55-59, col.11 line 62-col.12 line 2, col.12 lines 53-65, col.13 lines 46-49, col.14 lines 8-12*).

h. **Per claim 6,** *Brophy et al* teach the user-programmable communications arrangement of claim 1, wherein the computer includes one of the plurality of IP telephony devices (*col.3 lines 21-38, col.5 lines 25-30, col.7 lines 42-47, col.11 lines 39-44, col.16 lines 12-14*).

i. **Per claim 7,** *Brophy et al* teach the user-programmable communications arrangement of claim 1, wherein the controller is adapted to access personal contact information (*col.3 lines 11-20, col.9 lines 45-51, col.10 line 66-col.11 line 7*).

j. **Per claim 8,** *Brophy et al* teach the user-programmable communications arrangement of claim 7, wherein the personal contact information is arranged in a searchable database accessible by the controller, the database being accessible via user-defined shuffle search statements (*col.9 lines 45-62, col.10 line 66-col.11 line 7*).

k. **Claim 17** is substantially similar to claim 8 and is therefore rejected under the same basis.

l. **Per claim 9,** *Brophy et al* teach the user-programmable communications arrangement of claim 1, wherein the controller is adapted to provide a control interface for system administration control of an IP telephony network, the interface being adapted to provide at least one of: IP telephony system configuration and system status information (*col.2 lines 27-42, col.7 line 48-col.8 line 15, col.11 line 8-col.12 line 56, col.15 line 24-col.16 line 11*).

m. **Per claim 10,** *Brophy et al* teach the user-programmable communications arrangement of claim 9, wherein the IP telephony system status information includes at least one of: IP address assignment information for telephony devices, user-access security control level settings, current telephony device hardware settings, display settings for the controller, and telephony device location information (*col.3 lines 39-61, col.10 lines 30-49, col.11 lines 3-7, col.16 lines 12-36*).

n. **Per claim 11,** *Brophy et al* teach the user-programmable communications arrangement of claim 9, wherein the control interface is adapted to configure the IP telephony system to control at least one of: telephony device address assignment, user-access permissions, system report generation, display settings for the controller, voice mail parameters, IP telephony device hardware configuration, system backups, call routing protocol, call accounting, email configuration settings and call logging (*col.3 line 21-col.4 line 3, col.8 line 49-col.9 line 24, col.10 lines 30-49, col.11 lines 3-7, col.12 lines 7-52, col.12 line 65-col.13 line 2, col.16 lines 12-36*).

o. **Per claim 12,** *Brophy et al* teach the user-programmable communications arrangement of claim 1, wherein the computer is adapted to use OOP for providing the user-

selected IP telephony configuration information to the control center (*col.2 lines 32-42, col.6 lines 30-35 and 41-48, col.7 lines 48-58, col.9 line 64-col.10 line 8*).

p. **Claims 16 and 19** are substantially similar to claim 12 and are therefore rejected under the same basis.

q. **Per claim 13,** *Brophy et al* teach the user-programmable communications arrangement of claim 1, wherein user control of an IP telephony device includes active call control and call receive settings including at least one of: speaker phone activation, call answer, call forward to voicemail, call forward to another number or IP telephony address, call hold, call termination, display of caller ID, speed dial, call transfer, redial, voicemail forwarding, voicemail messaging, multi-party calling call muting, video control, and remote access control for remote access to telephony services (*col.3 lines 17-20 and 55-61, col.8 lines 5-15, col.11 line 36-col.12 line 48, col.13 lines 50-63*).

r. **Per claim 14,** *Brophy et al* teach the user-programmable communications arrangement of claim 1, wherein each of the plurality of IP telephony devices includes a CPU, and wherein the user interface and controller are further adapted to: provide user-selected email configuration information to a control center communicatively coupled to each CPU; display a control interface for at least one of: user control of email configuration, office administration control of the plurality of CPUs, and system administrator control of email system configuration; and the email configuration information being selected to control communications between, and to programmably configure, the control center and the plurality of CPUs (*col.3 lines 21-38 and 61-66, col.5 lines 25-30, col.7 lines 42-47, col.9 lines 14-44, col.11 lines 1-7 and 39-44, col.12 lines 26-34, col.14 line 26-col.15 line 8, col.16 lines 12-14*).

s. **Per claim 18,** *Brophy et al* teach the user-programmable communications controller of claim 17, wherein the memory storage device is adapted to send display information to the user-interface device using OOP, the display information including available IP telephony communications selections (*col.2 lines 32-42, col.6 lines 30-35 and 41-48, col.7 lines 48-58, col.9 line 64-col.10 line 8, col.11 lines 33-48*).

t. **Per claim 21,** *Brophy et al* teach the user-programmable communications control system of claim 20, wherein the scope of communications control selections that can be made at the computer station is controlled by the programmable communications server based on a predefined user-access permission level (*col.7 lines 59-col.8 line 4, col.8 lines 49-60, col.10 lines 38-48, col.11 line 33-col.12 line 65*).

u. **Per claim 22,** *Brophy et al* teach the user-programmable communications control system of claim 20, further comprising a plurality of computer stations, wherein programmable communications server is adapted to receive communications control selections from each of the plurality of computer stations (*col.2 lines 13-26, col.3 lines 11-38, col.4 lines 13-23, col.5 lines 25-30, col.7 lines 42-47, col.11 lines 39-44, col.16 lines 12-14*).

Conclusion

VII. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Nixon (6,584,185), Jones et al (6,404,764), Aktas et al (6,459,776), Johnson (6,366,578).

VIII. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141
kds

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER